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ATTORNEY DOCKET NO.: 041501-5442

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Meoung Whan CHO, et al.

Application No.: 09/876,155

Filed: June 8, 2001

For: WHITE LED AND METHOD FOR  
FABRICATING THE SAME

Group Art Unit: 2879

Examiner: S. Leurig

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a Restriction Requirement dated December 17, 2002, the Examiner required a restriction under 35 U.S.C. § 121 between the claims of Group I (claims 1 through 15) and Group II (claims 16 through 20). Applicants hereby elect Group I (claims 1 through 15) for examination.

Applicants respectfully request formal examination of this application.

Applicants believe that no extension of time is due in connection with the filing of this response. However, if there are any additional fees due in connection with the filing of this response, please charge those fees to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

By: *Douglas X. Rodriguez*  
Douglas X. Rodriguez  
Reg. No. 47,269

Dated: January 14, 2003

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
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ATTORNEY DOCKET NO.: 041501-5442V

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Meoung Whan CHO, *et al.* )  
Application No.: 09/876,155 ) Group Art Unit: 2879  
Filed: June 8, 2001 ) Examiner: S. Leurig  
For: WHITE LED AND METHOD )  
FOR FABRICATING THE SAME )

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Restriction Requirement responding to the Restriction Requirement dated December 17, 2002.
2. Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: \$00.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	20	minus	20	0	x \$18 each=	+ \$00.00
Independent Claims (37 C.F.R. §1.16(b))	4	minus	4	0	x \$84 each=	+ \$00.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$00.00
SUB-TOTAL =						\$00.00
Reduction by ½ for filing by a small entity						- \$00.00
TOTAL FEE =						\$00.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ Check in the amount of \$\_\_\_\_\_ for \_\_\_\_\_. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: January 14, 2003

By: *Douglas X. Rodriguez*  
Douglas X. Rodriguez  
Reg. No.: 47,269

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